

**ARTHUR W. STEVENS III** OSB # 85085  
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FILED  
FEB 23 2009

Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

**JIMMY L. KITTELSON**

**CIVIL NO.: 06-3089-ST**

Plaintiff,

v.

**COMMISSIONER of Social Security,**

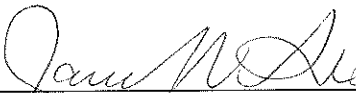
**ORDER (Proposed)**

**Defendant.**

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Attorney fees in the amount of \$19,160.00 are hereby awarded to Plaintiff's attorney pursuant to 42 U.S.C. § 406(b). The court finds that this is a reasonable fee in light of all circumstances present in this case. Previously, this court awarded \$7851.21, pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. When issuing the § 406(b) check for payment to Plaintiff's attorney herein, the agency is directed to subtract the amount previously awarded under the EAJA, and to send to Plaintiff's attorney the balance of \$11,308.79, minus the applicable user fee. Any withheld amount remaining after all attorneys fees are paid (including the EAJA fee offset) should be released to the claimant.

DATED this 23 day of February, 2009.

  
Janice M. Stewart  
United States Magistrate Judge

Presented by:  
/s/ Arthur W. Stevens III OSB #85085  
(541) 772-9850  
Attorney for Plaintiff

- 1 - ORDER

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